IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 962 OF 2006

Mojes Dadu Nirmal. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri N.N. Gawankar with Shri Arfan Sait for Applicant.
Shri Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 14, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is arrested in connection with an offence registered under Section 302 of the IPC. It is alleged that deceased Yadav was found lying in a pool of blood in the building by the complainant while she was going to her relative's place in the said building. The complaint was lodged. The deceased died. The only evidence against the present applicant is recovery of blood stained clothes which was made on 6th May 2005 and a statement of witness which was recorded almost two months after the incident i.e. in July, 2005 wherein he has stated that he has seen the applicant and other accused running away from the scene of offence and that their clothes were blood stained.

2. Admittedly, there is no other recovery of any weapon from the present applicant. There are no criminal antecedents also against the present applicant. The applicant was removed from employment and he was trying to pursue the members of the Union to see that he regain his service.

3. Considering this background and the fact that the statement of the witness who had last seen the applicant at the scene of the offence is recorded after almost two months from the date of the incident, in my view, this is a fit case for grant of bail.

4. Applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. He shall report to Ulhasnagar Police Station twice in a month. The applicant shall not threaten the witnesses or tamper with the evidence. If any complaint is filed against the applicant, on that count liberty is granted to the Public Prosecutor to apply for cancellation of bail.

. Application is disposed of in the above terms.

(V.M. Kanade, J.)